

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TWINBROOK HEALTH & REHABILITATION  
CENTER

Employer

and

Case 06-RC-257382

S.E.I.U. HEALTHCARE PENNSYLVANIA  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup> The Employer's request for extraordinary relief is denied as moot.<sup>2</sup>

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

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<sup>1</sup> In denying review, we further note that the Board's decision in *San Diego Gas & Electric*, 325 NLRB 1143, 1145 (1998), recognizes that Board elections should, as a general rule, be conducted manually and specifies well-settled guidelines for determining whether a mail-ballot election would normally be appropriate. But in *San Diego Gas & Electric*, the Board also recognized that "there may be other relevant factors that the Regional Director may consider in making this decision" and that "extraordinary circumstances" could permit a Regional Director to exercise his or her discretion outside of the guidelines set forth in that decision. *Id.*

In finding that a mail-ballot election is warranted in this case, we rely on the extraordinary federal, state, and local government directives that have limited nonessential travel, required the closure of nonessential businesses, and resulted in a determination that the regional office charged with conducting this election should remain on mandatory telework. Mandatory telework in the regional office is based on the Agency's assessment of current Covid-19 pandemic conditions in the local area. Under all of the foregoing circumstances, we are satisfied that the Regional Director did not abuse her discretion in ordering a mail-ballot election here.

The Board is open to addressing the normal criteria for mail balloting in a future appropriate proceeding.

<sup>2</sup> Because the ballots already had been mailed out before the Employer filed its motion to stay the election, we read it as a motion to stay the ballot count and treat it as a request for extraordinary relief under Sec. 102.67(j) of the Board's Rules and Regulations.

Dated, Washington, D.C., June 5, 2020.